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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMERICAN CIVIL RIGHTS FOUNDATION,
a non-profit, public benefit corporation,

Plaintiff,

v.

CITY OF OAKLAND, CALIFORNIA, a political
subdivision of the State of California, and the PORT
OF OAKLAND, a public entity,

Defendants.

No. CV 07-06058 CRB

**[PROPOSED] ORDER RE:
PLAINTIFF'S MOTION TO
REMAND AND REQUEST
FOR ATTORNEYS' FEES**

Date: January 25, 2008
Time: 10:00 a.m.
Place: Courtroom 8, 19th Floor
Judge: The Hon. Charles R. Breyer

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The Motion of Plaintiff American Civil Rights Foundation came on regularly for a hearing before this Court on January 25, 2008, at 10:00 a.m., with Honorable Justice Charles R. Breyer presiding. Plaintiff was represented by Sharon L. Browne and Joshua P. Thompson. After hearing arguments of the parties, as well as the documents submitted in support, opposition to the Motion, and reply to the opposition the Court hereby grants the Plaintiff's Motion to Remand to the Superior Court of California, Alameda County, on the following grounds:

1. Defendants failed to remove this action within the 30-day time-limit prescribed by 28 U.S.C. § 1446(b);

2. Plaintiff has not stated a cause of action granting this Court subject matter jurisdiction; and

3. In that Plaintiff's standing is based on California state law principles, Plaintiff does not have Article III standing to maintain an action in federal court.

Consequently, pursuant to 28 U.S.C. § 1447(c), Defendant is hereby ordered to pay Plaintiff's costs and attorneys' fees in the amount of \$_____ incurred in opposing this removal.

IT IS SO ORDERED.

DATED: _____.

 THE HONORABLE CHARLES R. BREYER
 United States District Court Judge